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OFFICE OF PETITIONS

In re Application of :
Yashima, et al. :
Application No. 08/787,850 : **ON PETITION**
Filed: January 23, 1997 :
Attorney Docket No. KIT257 JEL/V :

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed November 14, 2001, to revive the above-identified application. This office was recently forwarded this petition for a decision on the merits. The Office sincerely apologizes for the delay.

The petition is **dismissed** as moot.

Petitioner requests revival of the instant application in order to create co-pendency with continuing applications nos. 09/295,013, filed November 14, 2001, or 10/042,693, now patent no. 6,830,120, filed July 1, 1999.¹ Application no. 10/042,693, now patent no. 6,830,120, was filed while the instant application was still pending. As such, co-pendency between the instant application and application no. 10/042,693, now patent no. 6,830,120, exists. Accordingly, this petition is not necessary and is dismissed as moot.

The \$1280.00 petition fee, submitted November 14, 2001, will be refunded to deposit account no. 50-0624.

As there is no further action which must be taken on this matter, the file is being returned to Files Repository.

Telephone inquiries should be directed to the undersigned at (571)272-3228.

Edward J. Tannouse
Petitions Attorney
Office of Petitions/Patent
United States Patent and Trademark Office

Conferees:
Francis Hicks and Christina Donnell

¹ The above-identified application was expressly abandoned on October 20, 1999 in favor of the continuing applications.